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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,087	04/06/2006	John S. McGeachie	112680.00019	3244
54975	7590	03/17/2010		
HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE BOSTON, MA 02116-3889			EXAMINER LU, KUEN S	
			ART UNIT 2156	PAPER NUMBER
			MAIL DATE 03/17/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,087

**Applicant(s)**

MCGEACHIE ET AL.

**Examiner**

KUEN S. LU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date 06 April 2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The Action is responsive to the Applicant's Application, filed April 6, 2006.
2. Please note claim1 has been examined and are pending.

### ***Drawings***

3. Figures 8A, 10-15 and 6 of the drawings filed April 6, 2006 are objected to because the Figures 8A and 10-15 do not label elements or contains unreadable texts in shaded areas and Fig. 6 is objected to because the Figure contains unconnected components which are not enclosed in rectangle for showing the components belong to a same figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Information Disclosure Statement***

**4. The** information disclosure statements (IDS) submitted on April 6, 2006 was filed before the mailing of a first Office action after the filing of the application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Examiner and electronically signed as attached.

#### ***Oath/Declaration***

**5. The** applicant's oath/declaration filed April 6, 2006 has been reviewed by the examiner and is objected to because change of residence of the second inventor is not initialed. Appropriate correction is required for conforming to the requirements prescribed in **37 C.F.R. 1.63**.

#### ***Double Patenting***

**6.** The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

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F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**6.1.** Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim **1** of U.S. Patent No. **7,606,796**. Although the conflicting claims are not identical, they are not patentably distinct from each other because the elements and its combined subject matter described by the elements of the each claim of instant application is not patentably distinct from the same elements of claims and its combined subject matter described by the elements of corresponding claim of U.S. Patent No. **7,606,796**. Listed below are the elements of corresponding claims of instant application and U.S. Patent **7,606,796**.

1. A method of determining a pathway between a source connection point and a target connection point, such method implemented in a computer system having at least one database comprising data defining entities as connection points, the method comprising:

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A. defining the source connection point as a list of contacts:

B. defining the target connection point:

C. defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contact comprising the intermediate contacts.

**1. A computer-implemented method of determining a pathway between a source and a target, comprising:**

**providing at least one database including data defining individuals, entities, or both using at least one of a host computing system and a client computing system;**

**defining a source list comprising one or more individuals, entities or both using at least one of the host computing system and the client computing system;**

**defining a target list comprising one or more individuals, entities or both using at least one of the host computing system and the client computing system; and**

**generating, using at least one of the host computing system and the client computing system, a set of intermediate connection points as a series of individuals, entities or both that collectively define the pathway from the source**

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**to the target, as a function of predetermined relationships among the individuals and entities comprising the pathway.**

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.1. Claim 1 is rejected are rejected under 35 U.S.C. 102(b) as anticipated by Raveis, Jr.: "SYSTEM AND METHOD FOR MANAGING TRANSACTIONS RELATING TO REAL ESTATE", U.S. Patent 6,321,202, filed 12/10/1999 and issued 11/20/2001.

As per claim 1, Raveis, Jr. teaches a method of determining a pathway between a source connection point and a target connection point, such method implemented in a computer system having at least one database comprising data defining entities as connection points, the method comprising:

"A. defining the source connection point as a list of contacts" (See Figs. 2, 4. col. 6,

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lines 54-63 and col. 8, lines 38-40, sales agents is the source connection point as the list of contacts);

"B. defining the target connection point" (See col. 10, lines 1-8, fields of real estate sales are the target connection point);

"C. defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contact comprising the intermediate contacts" (See col. 10, lines 1-10, real estate listing database provides intermediate points defining pathway between sales agents and fields of sales in which the database identifies real estate listing, sales agents and fields of sales).

### ***References***

#### **8.1. The prior art made of record**

B. U.S. Patent 6,321,202

#### **8.2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

A. U.S. Patent Application Publication 2005/0015432

### ***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm).

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If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

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Primary Patent Examiner

March 17, 2010